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MEMO ENDORSED

Hon. Nancy Gertner (Ret.)

July 10, 2013

Via Next Day Air

Honorable Kenneth M. Karas

United States District Judge

Southern District of New York

United States Courthouse

300 Quarropas Street, Chambers 533

White Plains, NY 10601

RE: *Deskovic v. City of Peekskill, et al., 07-CV-8150(KMK)*

Dear Judge Karas:

I write on behalf of Plaintiff Jeffrey Deskovic in relation to the third party declaratory judgment action filed by New York Municipal Insurance Reciprocal (“NYMIR”). Mr. Deskovic intends to implead Westport Insurance Company (“Westport”) into that declaratory judgment action. It is an inefficient use of judicial resources to have a declaratory judgment action relating to Putnam’s insurance coverage with one relevant insurer (NYMIR) but not the other (Westport).¹ Mr. Deskovic intends to file his Complaint on July 22, 2013, fourteen days after Mr. Deskovic answered the Complaint in this declaratory judgment action. Under Federal Rules of Civil Procedure 14(a)(1) & (b), Mr. Deskovic does not believe that the Court needs to take any further action before he files a third party complaint against Westport. Nonetheless, out of an abundance of caution and mindful of the Court’s ability to manage its docket, Mr. Deskovic respectfully requests that the Court permit him to file this Complaint. None of the parties to the declaratory judgment action (NYMIR, the Putnam Defendants, or Ms. McGarr) object to Mr. Deskovic’s request.

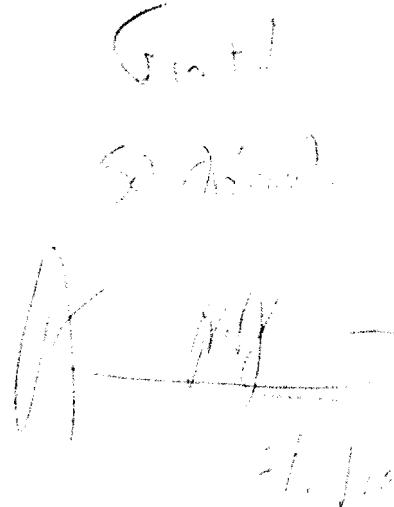
¹ Westport is already involved in the declaratory judgment action relating to Peekskill’s insurance coverage.

Respectfully submitted,



Nick Brustein

cc: All counsel (via email)



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